

**OCT 31 2005**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

HARRY DAVID WILLIAMS,	)	No. 03-56863
	)	
Plaintiff-Appellant,	)	D.C. No. CV-03-00673-NAJ/LAB
	)	
v.	)	<b>MEMORANDUM*</b>
	)	
COUNTY OF SANTA BARBARA;	)	
RUSSELL BIRCHIM; COUNTY OF	)	
SAN DIEGO; MIKE FINCH,	)	
	)	
Defendants-Appellees,	)	
_____	)	

Appeal from the United States District Court  
for the Southern District of California  
Napoleon A. Jones, District Judge, Presiding

Submitted September 13, 2005\*\*  
Pasadena, California

Before: FARRIS, FERNANDEZ, and BYBEE Circuit Judges.

Harry David Williams appeals the dismissal of his action filed April 4, 2003,  
against the County of Santa Barbara, Russell Birchim, the County of San Diego

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\* This disposition is not appropriate for publication and may not be cited to or  
by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral  
argument. Fed. R. App. P. 34(a)(2).

and Mike Finch. We affirm.

Williams did not file this action within two years following the alleged occurrence – April 23, 1998. Thus, it was filed beyond the Fair Credit Reporting Act’s statute of limitations. See 15 U.S.C. § 1681p (1970) (amended 2003). The running of that statute of limitations may be tolled only if a defendant misrepresents information required to be disclosed “to an individual,” and the misrepresentation is material to establishing the defendant’s liability “to that individual.” Id. (emphasis added); see also TRW, Inc. v. Andrews, 534 U.S. 19, 22–23, 122 S. Ct. 441, 444, 151 L. Ed. 2d 339 (2001). Here, no information required to be disclosed was misrepresented, and no representation, false or otherwise, was made to Williams.<sup>1</sup> Thus, the action was untimely.

AFFIRMED.

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<sup>1</sup> Of course, liability may have been incurred, but that could not, ipso facto, toll the statute of limitations.